

“§ 704. Waiver of pay limitation for certain employees

“(a) EMPLOYEES OF VETERANS HEALTH ADMINISTRATION IMPACTED BY CLOSURE OR REALIGNMENT.—Notwithstanding any other provision of law, the Secretary may waive any annual premium or aggregate limitation on pay for an employee of the Veterans Health Administration for the calendar year during which—

“(1) the official duty station of the employee is closed; or

“(2) the office, facility, activity, or organization of the employee is realigned.

“(b) EMPLOYEES PROVIDING CARE TO VETERANS EXPOSED TO OPEN BURN PITS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may waive any annual premium or aggregate limitation on pay for an employee of the Department whose primary duties include providing expanded care for veterans exposed to open burn pits.

“(2) OPEN BURN PIT DEFINED.—In this subsection, the term ‘open burn pit’ has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112-260; 38 U.S.C. 527 note).

“(c) COORDINATION WITH OFFICE OF PERSONNEL MANAGEMENT.—In implementing this section, the Secretary shall coordinate with the Director of the Office of Personnel Management.

“(d) REPORTS.—

“(1) IN GENERAL.—For each quarter that the Secretary waives a limitation under this section, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate, the Committee on Veterans’ Affairs of the House of Representatives, and the Office of Personnel Management a report on the waiver or waivers.

“(2) CONTENTS.—Each report submitted under paragraph (1) with respect to a waiver or waivers shall include the following:

“(A) Where the waiver or waivers were used, including in which component of the Department and, as the case may be, which medical center of the Department.

“(B) For how many employees the waiver or waivers were used, disaggregated by component of the Department and, if applicable, medical center of the Department.

“(C) The average amount by which each payment exceeded the pay limitation that was waived, disaggregated by component of the Department and, if applicable, medical center of the Department.

“(e) EMPLOYEE DEFINED.—In this section, the term ‘employee’ means any employee regardless of the authority under which the employee was hired.

“(f) TERMINATION.—This section shall terminate on September 30, 2027.”.

SEC. 908. ELIMINATION OF LIMITATION ON AWARDS AND BONUS FOR EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 705(a) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 703 note) is amended by striking paragraph (3).

(b) APPLICABILITY.—Subsection (a) shall take effect on the date of the enactment of this Act and apply as if such subsection had been enacted on September 30, 2021.

SEC. 909. ADDITIONAL AUTHORITY OF THE SECRETARY OF VETERANS AFFAIRS RELATING TO RECRUITMENT AND RETENTION OF PERSONNEL.

Subchapter I of chapter 7 is amended by inserting after section 705 the following new section:

“§ 706. Additional authority relating to recruitment and retention of personnel

“(a) RECRUITMENT AND RELOCATION BONUSES.—The Secretary may pay a recruit-

ment or relocation bonus under section 5753(e) of title 5 without regard to any requirements for certification or approval under that section.

“(b) RETENTION BONUSES.—(1) The Secretary may pay a retention bonus under section 5754(f) of title 5 without regard to any requirement for certification or approval under that subsection.

“(2) The Secretary may pay a retention bonus as specified in subsection (e)(2) of section 5754 of title 5 and may pay the bonus as a single lump-sum payment at the beginning of the full period of service required by an agreement under subsection (d) of such section.

“(c) MERIT AWARDS.—The Secretary may grant a cash award under section 4502(b) of title 5 without regard to any requirement for certification or approval under that section.

“(d) INCENTIVES FOR CRITICAL SKILLS.—(1) Subject to the provisions of this paragraph, the Secretary may provide a critical skill incentive to an employee in a case in which the Secretary determines—

“(A) the employee possesses a high-demand skill or skill that is at a shortage;

“(B) such skill is directly related to the duties and responsibilities of the employee’s position; and

“(C) employment of an individual with such skill in such position serves a critical mission-related need of the Department.

“(2) An incentive provided to an employee under paragraph (1) may not exceed 25 percent of the basic pay of the employee.

“(3) Provision of an incentive under paragraph (1) shall be contingent on the employee entering into a written agreement to complete a period of employment with the Department.

“(4) An incentive provided under paragraph (1) shall not be considered basic pay for any purpose.

“(5) The Secretary may prescribe conditions, including with respect to eligibility, and limitations on provision of incentive under paragraph (1).

“(6) Incentive provided under paragraph (1) shall not be included in the calculation of total amount of compensation under section 7431(e)(4) of this title.

“(e) STUDENT LOAN REPAYMENTS.—(1) Subject to the provisions of this subsection, the Secretary may repay a student loan pursuant to section 5379(b) of title 5.

“(2) Paragraph (2) of such section shall not apply to payment under this subsection.

“(3) Payment under this subsection shall be made subject to such terms, limitations, or conditions as may be mutually agreed to by the Secretary and the employee concerned, except that the amount paid by the Secretary under this subsection may not exceed—

“(A) \$40,000 for any employee in any calendar year; or

“(B) a total of \$100,000 in the case of any employee.

“(f) EXPEDITED HIRING AUTHORITY FOR COLLEGE GRADUATES; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring for college graduates under section 3115 of title 5 without regard to subsection (e) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

“(2) The number of employees the Secretary may appoint under section 3115 of title 5 may not exceed the number equal to 25 percent of individuals that the Secretary appointed during the previous fiscal year to a position in the competitive service classified in a professional or administrative occupational category, at the GS-11 level, or an equivalent level, or below, under a competitive examining procedure.

“(g) EXPEDITED HIRING AUTHORITY FOR POST-SECONDARY STUDENTS; COMPETITIVE SERVICE.—(1) Subject to paragraph (2) of this subsection, the Secretary may expedite hiring of post-secondary students under section 3116 of title 5, without regard to subsection (d) of such section or any regulations prescribed by the Office of Personnel Management for administration of such subsection.

“(2) The number of employees the Secretary may appoint under section 3116 of title 5 may not exceed the number equal to 25 percent of the number of students that the Secretary appointed during the previous fiscal year to a position at the GS-11 level, or an equivalent level, or below.

“(h) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Subject to the provisions of this subsection, the Secretary may authorize the fixing of the rate of pay for a critical position in the Department consistent with the authorities and requirements of section 5377 of title 5 that apply to the Office of Personnel Management.

“(2) The Secretary may fix the rate of pay for a critical position under this subsection in excess of the limitation set forth by section 5377(d)(2) of such title.

“(3) Basic pay may not be fixed under this subsection at a rate greater than the rate payable for the Vice President of the United States established under section 104 of title 3, except upon written approval of the President.

“(4) Notwithstanding section 5377(f) of title 5, the Secretary may authorize the exercise of authority under this subsection with respect to up to 200 positions at any time.

“(i) RATES OF SPECIAL PAY.—(1) The Secretary may establish a rate for special pay under section 5305(a)(1) of title 5.

“(2) In applying such section to the Secretary’s authority under paragraph (1)—

“(A) ‘50 percent’ shall be substituted for ‘30 percent’; and

“(B) ‘level II of the Executive Schedule’ shall be substituted for ‘level IV of the Executive Schedule’.

“(j) WAIVER OF LIMITATIONS ON CERTAIN PAYMENTS UNDER PAY COMPARABILITY SYSTEM.—The Secretary may waive the limitation in section 5307 of title 5 for an employee or a payment.

“(k) TERMINATION.—The authorities under this section shall terminate on September 30, 2027.”.

SA 5052. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike lines 17 through 20 and insert the following:

SEC. 201. SHORT TITLE.

This title may be cited as the “Toxic Exposure in the American Military Act” or the “TEAM Act”.

SA 5053. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 5 through 7 and insert the following:

SEC. 301. SHORT TITLE.

This title may be cited as the “Veterans Burn Pits Exposure Recognition Act”.

SA 5054. Mr. TESTER submitted an amendment intended to be proposed by

him to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(a) **SHORT TITLE.**—This section may be cited as the “Fair Care for Vietnam Veterans Act”.

SA 5055. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 5051 submitted by Mr. TESTER (for himself and Mr. MORAN) and intended to be proposed to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XI—OTHER MATTERS

SEC. 1101. OFFSET OF COSTS USING UNOBLIGATED FUNDS FROM THE AMERICAN RESCUE PLAN ACT OF 2021.

Effective on the date of the enactment of this Act, of the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, there is rescinded, on a pro rata basis, \$270,000,000,000.

SA 5056. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5051 submitted by Mr. TESTER (for himself and Mr. MORAN) and intended to be proposed to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle C—Other Health Care Matters

SEC. 121. REQUIREMENT OF DENTAL CLINIC OF DEPARTMENT OF VETERANS AFFAIRS IN EACH STATE.

The Secretary of Veterans Affairs shall ensure that each State has a dental clinic of the Department of Veterans Affairs to service the needs of the veterans within that State by not later than September 30, 2024.

SA 5057. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 5051 submitted by Mr. TESTER (for himself and Mr. MORAN) and intended to be proposed to the bill H.R. 3967, to improve health care and benefits for veterans exposed to toxic substances, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

Subtitle C—Expansion of Dental Care for Veterans

SEC. 121. PILOT PROGRAM TO FURNISH DENTAL CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS IN THE SAME MANNER AS ANY OTHER MEDICAL SERVICE.

(a) **IN GENERAL.**—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program to assess the feasibility and advisability of furnishing dental care in the same manner as medical services furnished by the Department, notwithstanding the limitations on the provision of dental care under sections 1710(c) and 1712 of title 38, United States Code.

(b) **MEDICAL SERVICES DEFINED.**—In this section, the term “medical services” has the meaning given that term in section 1701(6) of title 38, United States Code.

SEC. 122. PILOT PROGRAM ON EXPANSION OF FURNISHING BY DEPARTMENT OF VETERANS AFFAIRS OF DENTAL CARE TO CERTAIN ENROLLED VETERANS.

(a) **IN GENERAL.**—Commencing not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall carry out a pilot program under which the Secretary shall furnish dental care to all covered veterans who are not eligible for dental services and treatment and related dental appliances under the laws administered by the Secretary as of the date of the enactment of this Act.

(b) **DURATION.**—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) **LOCATIONS.**—

(1) **IN GENERAL.**—The Secretary shall carry out the pilot program at the following locations:

(A) Each medical center of the Department with an established dental clinic.

(B) Not fewer than four military medical treatment facilities of the Department of Defense with the capacity to furnish dental care, which shall be selected in consultation with the Secretary of Defense.

(C) Not fewer than four community-based outpatient clinics with space available for the furnishing of dental care under the pilot program.

(D) Not fewer than four Federally Qualified Health Centers.

(E) Not fewer than four facilities of the Indian Health Service with established dental clinics, which shall be selected in consultation with the Secretary of Health and Human Services.

(2) **CONSIDERATIONS.**—In selecting locations for the pilot program, the Secretary shall consider the feasibility and advisability of selecting locations in each of the following:

(A) Rural areas.

(B) Areas that are not in close proximity to an active duty military installation.

(C) Areas representing different geographic locations, such as census tracts established by the Bureau of the Census.

(3) **MOBILE DENTAL CLINICS.**—In carrying out the pilot program, the Secretary shall test the efficacy of mobile dental clinics to service rural areas that do not have a population base to warrant a full-time clinic but where there are covered veterans in need of dental care.

(4) **HOME BASED DENTAL CARE.**—In carrying out the pilot program, the Secretary shall test the efficacy of portable dental care units to service rural veteran in their homes, as the Secretary considers medically appropriate.

(d) **SERVICES.**—

(1) **SCOPE.**—The dental care furnished to covered veterans under the pilot program shall be consistent with the dental services and treatment furnished by the Secretary to veterans with service-connected disabilities rated 100 percent disabling under the laws administered by the Secretary.

(2) **DENTAL THERAPISTS AND TELE-DENTISTRY.**—

(A) **IN GENERAL.**—In carrying out the pilot program, the Secretary shall test the efficacy of the use of dental therapists and tele-dentistry to service the dental care needs of covered veterans.

(B) **USE OF TELE-DENTISTRY.**—When providing tele-dentistry under subparagraph (A), the Secretary shall use Federal employees to the maximum extent possible.

(e) **VOLUNTARY PARTICIPATION.**—The participation of a covered veteran in the pilot

program shall be at the election of the veteran.

(f) **ADMINISTRATION.**—

(1) **NOTICE TO COVERED VETERANS.**—In carrying out the pilot program, the Secretary shall inform all covered veterans of the services and treatment available under the pilot program.

(2) **COPAYMENTS.**—The Secretary may collect copayments for dental care furnished under the pilot program in accordance with authorities on the collection of copayments for medical care of veterans under chapter 17 of title 38, United States Code.

(3) **CONTRACTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (C), in carrying out the pilot program, the Secretary may enter into contracts with appropriate entities for the provision of dental care under the pilot program.

(B) **PERFORMANCE STANDARDS AND METRICS.**—Each contract entered into under subparagraph (A) shall specify performance standards and metrics and processes for ensuring compliance of the contractor concerned with such performance standards.

(C) **LIMITATION.**—The Secretary may only enter into contracts under subparagraph (A) if the Secretary determines that the Department does not employ, and cannot recruit and retain, qualified dentists, dental hygienists, and oral surgeons in the applicable location.

(g) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 90 days before the completion of the pilot program, and not later than 180 days after the completion of the pilot program, the Secretary shall submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives a report on the pilot program.

(2) **CONTENTS.**—Each report under paragraph (1) shall include the following:

(A) A description of the implementation and operation of the pilot program.

(B) The number of covered veterans receiving dental care under the pilot program and a description of the dental care furnished to such veterans.

(C) An analysis of the costs and benefits of the pilot program, including a comparison of costs and benefits by location type.

(D) An assessment of the impact of the pilot program on appointments for care, prescriptions, hospitalizations, emergency room visits, wellness, employability, and satisfaction of patients, and perceived quality of life of covered veterans.

(E) An analysis and assessment of the efficacy of mobile clinics and home based dental care to service the dental needs of covered veterans under the pilot program.

(F) An analysis and assessment of the efficacy of dental therapists and tele-dentistry to service the dental needs of covered veterans under the pilot program, to include a cost benefit analysis of such services.

(G) The findings and conclusions of the Secretary with respect to the pilot program.

(H) A comparison of the costs for private sector dental care with cost of furnishing dental care from the Department, broken down by each locality included in the pilot program.

(I) Such recommendations as the Secretary considers appropriate for the expansion of dental care to all veterans eligible for health care from the Department.

(h) **DEFINITIONS.**—In this section:

(1) **COVERED VETERAN.**—The term “covered veteran” means a veteran enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38,